

1 AN ACT concerning consumer advocacy.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Counties Code is amended by adding Section
5 3-9005.5 as follows:

6 (55 ILCS 5/3-9005.5 new)

7 Sec. 3-9005.5. Consumer utilities advocacy.

8 (a) The General Assembly finds that the health, welfare,
9 and prosperity of Illinois citizens, and the public's
10 interest in adequate, safe, reliable, cost-effective electric
11 and telecommunications services, benefit by effective public
12 representation by State's Attorneys to protect the rights and
13 interests of the public in the provision of all elements of
14 electric and telecommunications service both during and after
15 the transition to a competitive market, and that to ensure
16 that the benefits of competition in the provision of both
17 electric and telecommunications services to all consumers are
18 attained, State's Attorneys in counties with more than
19 900,000 inhabitants may advocate on behalf of Illinois
20 consumers.

21 (b) As used in this Section:

22 "Electric services" means services sold by an electric
23 service provider.

24 "Electric service provider" means anyone who sells,
25 contracts to sell, or markets electric power, generation,
26 distribution, transmission, or services (including metering
27 and billing) in connection therewith. "Electric service
28 provider" includes any electric utility and any alternative
29 retail electric supplier as defined in Section 16-102 of the
30 Public Utilities Act.

31 "Telecommunications services" means services sold by a

1 telecommunications carrier, as provided for in Section 13-203
2 of the Public Utilities Act.

3 "Telecommunications carrier" means anyone who sells,
4 contracts to sell, or markets telecommunications services,
5 whether noncompetitive or competitive, including access
6 services, interconnection services, or any services in
7 connection therewith. "Telecommunications carrier" includes
8 any carrier as defined in Section 13-202 of the Public
9 Utilities Act.

10 (c) A State's Attorney in a county with more than
11 900,000 inhabitants has the power on behalf of the people of
12 the State to intervene in, and initiate, all legal
13 proceedings on matters relating to the provision, marketing,
14 and sale of electric and telecommunications service whenever
15 the State's Attorney determines that the action is necessary
16 to promote or protect the rights and interest of Illinois
17 citizens, classes of customers, and users of electric and
18 telecommunications services.

19 (d) In addition to the investigative and enforcement
20 powers available to a State's Attorney, including without
21 limitation those under the Consumer Fraud and Deceptive
22 Business Practices Act and the Illinois Antitrust Act, the
23 State's Attorney in counties with more than 900,000
24 inhabitants shall be a party as a matter of right to all
25 proceedings, investigations, and related matters involving
26 the provision of electric services and to those proceedings,
27 investigations, and related matters involving the provision
28 of telecommunications services before the Illinois Commerce
29 Commission and shall, upon request, have access to and the
30 use of all files, records, data, and documents in the
31 possession or control of the Commission, which material the
32 State's Attorney's office shall maintain as confidential, to
33 be used for law enforcement purposes only, which material may
34 be shared with other law enforcement officials. Nothing in

1 this Section is intended to take away or limit any of the
2 powers the State's Attorney has pursuant to common law or
3 other statutory law.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.